

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JOHN DOE,

Plaintiff,

vs.

**ELWOOD PUBLIC SCHOOL DISTRICT,
a Nebraska political subdivision;
DAVID BLESSING, individually and in his
official capacity; and AMCO INSURANCE
COMPANY, an Iowa Corporation,**

Defendants.

7:04CV5011

ORDER

This matter is before the court on the motion (#151) of AMCO Insurance Company ("Amco") to stay discovery pending Judge Smith Camp's ruling on AMCO's Motion to Dismiss (#147). Having considered the parties' written submissions (# 151, 154, 155 & 161), I find that AMCO's arguments are persuasive and that the motion should be granted. In reaching this conclusion, I have also considered Judge Smith Camp's April 20, 2005 order (#115 at p. 3), in which she seriously questioned whether plaintiff's proposed Second Amended Complaint stated a claim against AMCO for breach of fiduciary duty upon which relief may be granted. See Fed. R. Civ. P. 12(b)(6).

For these reasons,

IT IS ORDERED that AMCO's Motion to Stay Discovery (#151) is granted as follows:

1. All discovery involving AMCO Insurance Company is stayed pending a decision on AMCO's Motion to Dismiss (#147).

2. If AMCO remains in the case, AMCO shall provide plaintiff answers to interrogatories and requests for production within ten (10) days after the court's ruling on the Motion to Dismiss.

DATED July 18, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**